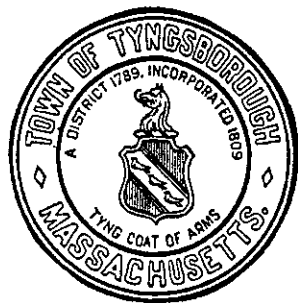


APPROVED
4-28-09



*Town of Tyngsborough
Conservation Commission*

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
April 14, 2009
APPROVED

Present:

ES: Ed Smith **LG:** Lucy Gertz **JN:** John Nappi **JE:** Jerry Earl
CF: Christine Fox **MM:** Matt Marro, Conservation Director

Absent:

JK: Jeff Kablik **WL:** William Look

7:00pm **Meeting opened by Ed Smith**

7:00pm 10 Old Kendall Rd. (M12, P10, L0) – **DEP# 309-0820**, Notice of Intent for the proposed construction of a single family residence with landscaping within the 100ft. buffer zone.

LG: Motion to waive the reading of the legal ad.

JE: 2nd the motion.

In Favor: 5 Absent: 2

LG: Motion to waive the reading of the abutters list.

JE: 2nd the motion.

In Favor: 5 Absent: 2

An informal discussion on this project was conducted during the meeting held on March 24, 2009. Since there was no quorum for this meeting, a vote could not be taken. Therefore, the hearing was continued to the April 14, 2009 meeting. Representing the applicant, Warren Allgrove III, was Sam Glavine (**SG**) of Ecological Builders. Mr. Glavine re-briefed the Commission on the project which encompassed bringing back the natural grade of the site with some fill, and planting a standard lawn and other natural growth species. None of the work would disturb the 30 ft. no-touch zone or the 30 ft. and 50 ft. wetland setbacks. On March 24, 2009, **MM** recommended that these zones be indicated on the plot plan. The plans submitted at the April 14, 2009 meeting did include these zones. At this time, **MM** recommends a Standard Order of Conditions for this project.

LG: Motion to issue a Standard Order of Conditions for 10 Old Kendall Road (M12, P10, L0), **DEP# 309-0820**.

JE: 2nd the motion.

In Favor: 5 Absent: 2

7:05pm 185 Pawtucket Blvd. (M28, P115-1) – **DEP# 309-0819**, Notice of Intent for the restoration of 6 golf course green/bunker areas located within the Riverfront Protection Zone; the restoration of 2 green/bunker areas located within the 100 ft. buffer zone of a bordering vegetated wetland; and the restoration of 1 green/bunker area within the 100 yr. flood plain.

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LG: Motion to waive the reading of the abutters list.

JE: 2nd the motion.

In Favor: 5 Absent: 2

An informal discussion on this project was conducted during the meeting held on March 24, 2009. Since there was no quorum for this meeting, a vote could not be taken. Therefore, the hearing was continued to the April 14, 2009 meeting. Jack Lougee of Dana Perkins appeared for the client, the Vesper Country Club. Mr. Lougee briefed the Commission on the project which entails the removal of the grass surface, 16" of soil, adding subdrains, and replacing everything with new material in order to conform with the USGA specifications. All material that is removed will be stored away from any wetlands areas. The work is slated to begin in late August and be completed sometime in November. A pair of abutters from Derby Lane questioned the contouring of the greens and the effect the work would have on water run-off to their property. Mr. Lougee explained that a very detailed laser mapping process was conducted on the site that guarantees restoration to the current conditions within one-tenth of an inch. Therefore, since the current land contours will be restored no new problems are anticipated. In addition, Natural Heritage has issued an exemption for this project. MM recommended a Standard Order of Conditions for this project.

LG: Motion to issue a Standard Order of Conditions for 185 Pawtucket Blvd. (M28, P115-1) – **DEP# 309-0819**, for the restoration of 9 golf course green/bunker areas.

JE: 2nd the motion

In Favor: 5 Absent: 2

7:10pm 422 Middlesex Rd. (M12, P29A, L0) – **DEP# 309-0821** Notice of Intent for the proposed construction of a roadway with associated grading and utilities in an industrial subdivision.

LG: Motion to waive the reading of the legal ad.

JE: 2nd the motion.

In Favor: 5 Absent: 2

LG: Motion to waive the reading of the abutters list.

JE: 2nd the motion.

In Favor: 5 Absent: 2

Jeff Brem of Meisner Brem Corporation appeared before the Commission for the applicant, Mark Greenbaum. Mr. Brem briefed the Commission on the project which involves land behind the Olive Garden restaurant on Middlesex Rd. The land runs behind the Olive Garden and along Route 3, but is not accessible due to the wetland areas. Therefore, the proposal would be to build a limited crossing over the wetland which would enable access to the property in order for future development. Included in the plan are all of the necessary retaining walls, culverts, stormwater management applications, wetland replications, and State and Federal permits. MM indicated that during his site walk he could not determine any other access to the property than what is proposed in

this plan. He went on to say that the Commission should evaluate the site themselves in order to get a better prospective of the scope of this project and its impact to the area. Therefore, MM recommended to continue this hearing until all State, Federal and Local issues are addressed.

LG: Motion to continue the hearing for 422 Middlesex Rd. (M12, P29A, L0), **DEP# 309-0821** until May 12, 2009 at 7:00pm.

JE: 2nd the motion.

In Favor: 5 Absent: 2

7:30pm 273 Middlesex Rd. (M20, P42, L0) – **DEP# 309-0822**, Notice of Intent for the proposed construction of a 75' x 100' one-story auto detail and repair commercial building with associated parking area, on-site sanitary sewer system, and drainage improvements.

LG: Motion to waive the reading of the legal ad.

JE: 2nd the motion.

In Favor: 5 Absent: 2

LG: Motion to waive the reading of the abutters list.

JE: 2nd the motion.

In Favor: 5 Absent: 2

Matt Hamor of Hancock Associates appeared before the Commission for the applicant, Joseph Caggiano. Mr. Hamor briefed the Commission on the project which includes the one-story building, septic and drainage improvements and parking area. Abutter George Jaccopi spoke in favor of the project. MM was satisfied with the drainage and stormwater reports but would like to wait until DEP comments on the project. In addition, the plans should be revised to include all of the existing conditions. Therefore, MM recommended that this hearing be continued so these issues can be properly addressed.

LG: Motion to continue the hearing for 273 Middlesex Rd. (M20, P42, L0), **DEP# 309-0822** until April 28, 2009 at 7:05pm.

JE: 2nd the motion.

In Favor: 5 Absent: 2

7:45pm 65-67 Mascuppic Trail (M32B, P29, L0) – **DEP# 309-0823**, Notice of Intent for the proposed construction of a retaining wall, grading, floodplain alteration, compensatory storage, patio and steps.

LG: Motion to waive the reading of the legal ad.

JE: 2nd the motion.

In Favor: 5 Absent: 2

LG: Motion to waive the reading of the abutters list.

JE: 2nd the motion.

In Favor: 5 Absent: 2

Steve Eriksen of Norse Environmental appeared before the Commission for the applicant Rita Bellerose. Mr. Eriksen briefed the Commission on the project that includes revitalizing the lake bank area and establishing a flood plain control area to prevent erosion. This project would include using a silt curtain, and underground pipes for floodplain control. MM indicated that DEP comments need some further clarification and recommended continuing this hearing until he is able to speak with DEP about them.

LG: Motion to continue the hearing for 65-67 Mascuppic Trail until April 28, 2009 at 7:15pm.

JE: 2nd the motion

In Favor: 5 Absent: 2

8:10pm 13 Riverbend Rd. (M20B, P29, L12) – Request for Certificate of compliance **DEP# 309-0772**.
Order of Conditions issued 4/12/06.

MM recommends issuing this Certificate of Compliance.

LG: Motion to issue a Certificate of Compliance for 13 Riverbend Rd. (M20B, P29, L12), **DEP# 309-0772**.

JE: 2nd the motion.

In Favor: 5 Absent: 2

Director's Determinations and Report

68 Mascuppic Trail – Build a Farmer's Porch.

LG: Motion to approve the Director's Determination for 68 Mascuppic Trail.

JE: 2nd the motion

In Favor: 5 Absent: 2

20 Shakespeare St. – Remove storm damaged trees within 70 ft. of wetland.

LG: Motion to approve the Director's Determination for 20 Shakespeare St.

JE: 2nd the motion.

In Favor: 5 Absent: 2

Minutes/Sign Forms/Other Business

- Minutes from the 10/14/08 meeting could not be approved due to lack of quorum of members who attended that meeting. Will consult the Town Clerk for a ruling on this situation.
- Minutes from the 2/24/09 meeting could not be approved due to lack of quorum of members who attended that meeting.

Discussion

Hunter Property

Natasha & Anthony Cote of 46 Riverbend Rd. appeared before the Commission to report the problems they've encountered on the town owned Hunter Property. The Cotes own horses and have frequented the Hunter Property since its access was made available to the public. Recently, however, they've encountered a belligerent group of individuals employed by Mr. Parlee, who have chased the Cotes and others off of the property. They went on to say that the field access has been blocked by a gate and downed trees. They're concerned that Mr. Parlee is controlling access to town owned land by chasing the public away in the interest of keeping his leased areas free from vandals. MM suggested that Mr. Parlee be requested to appear at the May 12, 2009 Conservation Commission meeting in order to answer questions concerning his activities on the Hunter Property. At that time Hunter Property maps will be available to view in order to clearly identify which parcels are leased by Mr. Parlee. In addition, any Hunter Property files will be made available for review by the Cotes.

Signed the following forms:

- Dunstable Rd. (M22, P24, L0) – DEP# 309-0818 Order of Conditions.
- 20 Emerald St. (M15, P2, L2) – DEP# 309-451 Partial Certificate of Compliance.
- 13 Riverbend Rd. (M20B, P29, L12) – DEP# 309-0772 Certificate of Compliance.

8:50pm

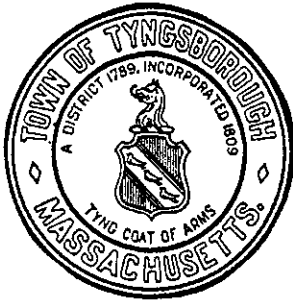
LG: Motion to adjourn

JE: 2nd the motion

In Favor: 5 Absent: 2

Respectfully submitted

Pamela Berman, Conservation Clerk



Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

AGENDA
April 14, 2009

- 7:00pm** **10 Old Kendall Road (M12, P10, L0) – DEP# 309-0820, Notice of Intent** for the proposed construction of a single family residence with landscaping within the 100ft. buffer zone.
- 7:05pm** **185 Pawtucket Blvd. (M28, P115-1) – DEP# 309-0819, Notice of Intent** for the restoration of 6 golf course green/bunker areas located within the Riverfront Protection Zone; the restoration of 2 green/bunker areas located within the 100 ft. buffer zone of a bordering vegetated wetland; and the restoration of 1 green/bunker area within the 100 yr. flood plain.
- 7:10pm** **422 Middlesex Road (M12, P29A, L0) – Notice of Intent** for the proposed construction of a roadway with associated grading and utilities in an industrial subdivision.
- 7:20pm** **273 Middlesex Rd. (M20, P42, L0) – Notice of Intent** for the proposed construction of a 75' x 100' one-story auto detail and repair commercial building with associated parking area, on-site sanitary sewer system, and drainage improvements.
- 7:30pm** **65-67 Mascuppic Trail (M32B, P37, L0) – Notice of Intent** for the proposed construction of a retaining wall, grading, floodplain alteration, compensatory storage, patio and steps.
- 7:40pm** **13 Riverbend Road (M20B, P29, L12) – Request for Certificate of Compliance DEP# 309-0772.** Order of Conditions issued 4/12/06.

Discussion:

Hunter Property
Worden Road – Londonderry, NH Property

Administrative:

1. Director's Determinations and Report
 - 68 Mascuppic Trail
 - 20 Shakespeare St.
 - 29 Nevada Rd.
2. Minutes/Bills/Other Business:
 - ❖ Approve the minutes from the 10/14/08 and 2/24/09 meetings.
3. Sign the following forms:
 - Dunstable Rd. (M22, P24, L0) – **DEP# 309-0818** Order of Conditions for the proposed placement of a 10ft. wide gravel access drive, utility pole, grading and associated utilities for the construction of an oversized sign.
 - 20 Emerald St. (M15, P2, L2) – **DEP# 309-451** Partial Certificate of Compliance.
 - 13 Riverbend Road (M20B, P29, L12) – Request for Certificate of Compliance **DEP# 309-0772.** Order of Conditions issued 4/12/06.